

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MATTHEW FISHER,	§	
Plaintiff,	§	
v.	§	CASE NO.
SOUTHWEST CREDIT SYSTEMS L.P.,	§	4:13-cv-00479-RC-ALM
Defendant.	§	

**DEFENDANT SOUTHWEST CREDIT SYSTEMS LP'S
RESPONSE TO PLAINTIFF'S OPPOSED MOTION TO
EXTEND THE DISPOSITIVE MOTION DEADLINE**

COMES NOW, Southwest Credit Systems L.P. ("SCS"), Defendant herein, and files its Response to Plaintiff's Opposed Motion to Extend the Dispositive Motion Deadline filed by Matthew Fisher ("Plaintiff"). In support of this Response, SCS states as follows:

1. This Court entered a Scheduling Order on this case on January 10, 2014. (Doc. No. 15).
2. Pursuant to the Scheduling Order, the dispositive motion deadline is April 25, 2014, giving both parties 106 days to complete and submit their dispositive motions.
3. SCS submitted their dispositive motion in compliance with this Court's Scheduling Order. (Doc. No. 18).
4. Plaintiff is seeking an extension based on the still incomplete party depositions.
5. Plaintiff first sent SCS a topic list for the requested 30(b)(6) deposition on April 25, 2014, the same day of the dispositive motion deadline (See Exhibit "A"). Plaintiff had asked for the deposition only the day before and did not provide a list.¹
6. Plaintiff notified SCS regarding its request for an extension of the dispositive

¹ Plaintiff's counsel arbitrarily sent the notice without confirming time or location with Defendant's counsel. She has withdrawn the notice as requested. Defendant is currently obtaining both witnesses and dates.

motion deadline on April 24, 2014, one day before the date set by this Court's Scheduling Order. This was the first time Plaintiff raised the issue of being unable to comply with the Scheduling Order to SCS.

7. Plaintiff had ample time to complete his party depositions and/or submit his dispositive motions. Plaintiff notifying SCS the day before the dispositive motion deadline of his extension, coupled with his notice of deposition this late in litigation, does not evidence a good faith effort to comply with this Court's Scheduling Order. As such, this Court should deny Plaintiff's Opposed Motion to Extend the Dispositive Motion Deadline.

WHEREFORE PREMISES CONSIDERED, Southwest Credit Systems, L.P. respectfully requests that the Court deny Plaintiff's Opposed Motion to Extend the Dispositive Motion Deadline in its entirety and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

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/s/Robbie Malone

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF on this 29th day of April, 2014 to:

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